

CWA Notice of Violations (NOVs)

Date: 3/13/2015

ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. Elliott/Ammons BA (w/edits) 3-17-15	RZ	3/17/2015
2. Mattox (Tracking)	MAW	3/19/15
3. White/Horsey	W	3/23/15
4. Bush	BR	3/31/15
5. Ghosh	GH	3/31/15
6. Ellis/Diaz	ED	4/1/15
7. Marcus/Giattina	MG	4/8/15
8. White (Mailing/e-filing) / Mattox (Copy)		
9. Elliott		

	Action	File	Note and Return
X	Approval	For Clearance	Per Conversation
	As Requested	For Correction	Prepare Reply
	Circulate	For Your Information	See Me
	Comment	Investigate	X Signature
	Coordination	Justify	

From: (Name, org. symbol, Agency/Post)

Richard Elliott, Municipal & Industrial Enforcement Section/Water Protection Division

Room No.—Bldg.

Phone No. 2-8691

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions.

REMARKS: NOV for the City of Dyersburg, TN

Electronic Version Saved on: T:\NPEB\Collection Systems\Enf-Comp\TN\Dyersburg,
TN\Dyersburg NOV 3-12-2015

Contacted State Agency: J/N Date: 3/23/15

Who at State: Jessica Murphy
via email

Route in green folder

OPTIONAL FORM 41 (Rev. 1-94)
Prescribed by GSA
UNICOR FPI - SST

T:\CWEB\Administrative\Enf. Routing Slips\FY14 routing slips\Notice of Violations



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

APR 09 2015

CERTIFIED MAIL 7010 1060 0002 1703 8150
RETURN RECEIPT REQUESTED

The Honorable John Holden
Mayor
City of Dyersburg
425 West Court Street
P.O. Box 1358
Dyersburg, Tennessee 38025-1358

Re: Notice of Violation
City of Dyersburg
National Pollutant Discharge Elimination System Permit No.: TN0023477

Dear Mayor Holden:

The purpose of this letter is to advise the City of Dyersburg (City) that the United States Environmental Protection Agency Region 4 has reviewed the information submitted by the City to the EPA on September 29, 2014, in response to the EPA's information request letter issued pursuant to Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318. The EPA has also reviewed the updated Sanitary Sewer Overflow (SSO) data submitted by the City to the EPA.

Based upon review of the information, the EPA has determined that the City has violated the CWA and National Pollutant Discharge Elimination System Permit No.: TN0023477 as follows:

During the period from September 28, 2009, to August 28, 2014, the City had seven SSOs totaling 1,715,000 gallons of untreated sewage that discharged from the City's Wastewater Collection and Transmission System (WCTS) to navigable waters of the United States as defined by Section 502 of the CWA, 33 U.S.C. § 1362. Such SSOs were not authorized by the NPDES permit and are therefore violations of Section 301(a) of the CWA, 33 U.S.C. § 1311(a). In addition, the City had one SSO totaling 3,000 gallons of untreated sewage that was released from the WCTS and that did not reach navigable waters of the United States. All eight of the SSOs are indicative of the City's violation of Part II, Section 2.1.4 (a) of the City's NPDES permit, which requires the City to properly operate and maintain its facility. Part II, Section 2.3.3 (a) to (e) of the City's NPDES permit also defines and prohibits SSOs from any portion of the collection, transmission and treatment system.

The EPA has decided not to initiate an enforcement action at this time. However, the City's future progress in developing and implementing written Management, Operations and Maintenance (MOM) programs, continued rehabilitation of the WCTS and progress towards eliminating SSOs will determine if future EPA enforcement actions are warranted. The EPA will monitor the City's progress in developing and implementing MOM programs and WCTS rehabilitation over the next two years.

Until compliance with the CWA is achieved, the City is considered to be in violation of the CWA and subject to enforcement action pursuant to Section 309 of the CWA, 33 U.S.C. § 1319. This Section provides for the issuance of administrative penalty and/or compliance orders and the initiation of civil and/or criminal actions.

If you have any questions regarding this Notice of Violation, please contact Mr. Richard Elliott, of my staff, at (404) 562-8691 or via email at elliott.richard@epa.gov. You may address written correspondence to Mr. Elliott at the above address on the letterhead.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Giattina', is written over the printed name.

James D. Giattina
Director
Water Protection Division

cc: Ms. Jessica Murphy
Tennessee Department of Environment and Conservation

Mr. Michael Goff
City of Dyersburg